

United States District Court

for the

Western District of New York

United States of America

v.

Case No. 22-MJ- 4129

JASON LANE,

Defendant

CRIMINAL COMPLAINT

I, Special Agent Kathryn Gamble, state that the following is true to the best of my knowledge and belief:

On or about and between approximately April 16, 2018 through August 9, 2022, in the Western District of New York, the defendant:

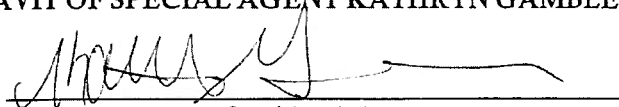
(1) did knowingly employ, use, persuade, induce, entice and coerce minors to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, which depictions were produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce, and which depictions were transported in and affecting interstate and foreign commerce, including by computer, in violation of 18 U.S.C. §§ 2251(a);

(2) did knowingly receive child pornography that had been transported in and affecting interstate and foreign commerce, including by computer, in violation of 18 U.S.C. § 2252A(a)(2)(A); and

(3) did knowingly possess and access with intent to view, material that contained images of child pornography that had been transported using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, including by computer, and that were produced using materials that had been shipped and transported in and affecting interstate and foreign commerce, in violation of 18 U.S.C. § 2252A(a)(5)(B).

This Criminal Complaint is based on these facts: **SEE AFFIDAVIT OF SPECIAL AGENT KATHRYN GAMBLE.**

☒ Continued on the attached sheet.


Complainant's signature
KATHRYN GAMBLE, Special Agent, HSI

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim. P. 4.1 and 4(d) on:

Date: November 7, 2022

City and State: Rochester, New York


Judge's signature
MARIAN W. PAYSON
UNITED STATES MAGISTRATE JUDGE

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF MONROE) SS.:
CITY OF ROCHESTER)

I, KATHRYN M. GAMBLE, being duly sworn, deposes and states:

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (HSI). I have been employed as a Special Agent since June 2008 and am currently assigned to the Buffalo, New York office. In my position, I am responsible for investigating federal child exploitation and child pornography crimes.

2. This affidavit is submitted in support of a criminal complaint, which alleges that from approximately April 16, 2018 through August 9, 2022, Jason LANE, while in the Western District of New York, did knowingly produce, receive, and possess child pornography, in violation of 18 U.S.C. §§ 2251(a); 2252A(a)(2)(A); and 2252A(a)(5)(B).

3. The information contained in this affidavit is based upon my personal knowledge and investigation of this matter, my training and experience, conversations with other law enforcement officers and witnesses, my review of evidence and records, and my review of computer forensic findings provided by the New York State Police (NYSP). Because this affidavit is being submitted for the limited purpose of establishing probable cause to secure a criminal complaint, I have not included every fact known to me concerning this investigation. Rather, I have set forth facts that I believe are necessary to demonstrate probable cause to believe that LANE did knowingly produce, receive, and possess child pornography, in violation of 18 U.S.C. §§ 2251(a); 2252A(a)(2)(A); and 2252A(a)(5)(B).

NCMEC CyberTips

4. The National Center for Missing and Exploited Children (NCMEC) is a nonprofit organization that operates a “Cyber Tipline” through which internet and electronic service providers (ESP’s) are required to report the presence of child pornography on their platforms. The duties of ESPs and NCMEC to report child exploitation offenses are set forth in 18 U.S.C. § 2258A.

5. If NCMEC receives a cybertip concerning child exploitation, it utilizes information provided by the ESP to determine the general geographic area (such as the state) where the offender is located. NCMEC then forwards the tip to a local law enforcement agency for further investigation. If NCMEC determines that a tip originated in New York State, the cybertip is forwarded to the NYSP Internet Crimes Against Children (ICAC) section, who then forwards the tip to the appropriate NYSP Troop for a full investigation.

Cybertips from Yahoo & Investigation by the NYSP

6. On July 27, 2022, NCMEC received Cyber Tipline report 129383958 from Yahoo!, Inc. (Yahoo) reporting that Yahoo user jasonlane25@yahoo.com (the SUBJECT ACCOUNT) uploaded 42 files of possible Child Pornography to the Yahoo platform.

7. Yahoo provided the following subscriber information related to the SUBJECT ACCOUNT:

Name: Jason Lane
Address: 14616 US
Mobile Phone: +15858027845 (Verified 06/08/2022 21:01:44 UTC)
Email address: jasonlane25@yahoo.com
IP address: 2603:7080:96f0:8150:2438:19e:715a:667f (Date: 07-07-2022)
Recovery/Alternate Email: jlane@spencerportschools.org (Verified: 2022-04-05)

8. Yahoo reported that the SUBJECT ACCOUNT uploaded these files between April 16, 2018 and July 19, 2022. Yahoo further reported that Yahoo personnel viewed the entire contents of each file before providing the files to NCMEC.

9. NCMEC conducted geolocation queries and determined that IP address 2603:7080:96f0:8150:2438:19e:715a:667f (the SUBJECT IP) was registered to Spectrum (Charter) communications, and that the subscriber was located in or near Rochester, NY.

10. NCMEC reviewed the files reported by Yahoo and found content that it classified as “APPARENT CHILD PORNOGRPAHY.” NCMEC reported that two files “APPEAR UNFAMILIAR and may depict NEWLY PRODUCED CONTENT.” Based on my training and experience, this is an indication that child pornography located within the SUBJECT ACCOUNT may have been produced by the account holder, or others communicating with the account holder, in violation of 18 U.S.C. §2251(a).

11. NCMEC described the “UNFAMILIAR and/or NEWLY PRODUCED” files as depicting “a prepubescent female bent over an unknown adult individual’s leg. It appears the prepubescent female’s pants are pulled down and an unknown individual’s hand is pulling up the prepubescent female’s underwear.”

12. On August 4, 2022, NCMEC forwarded this information to the NYSP ICAC who began to conduct a preliminary background investigation through public records and other sources. ICAC discovered a Jason D. LANE (DOB: XX/XX/1995) with an associated address of 190 Glenbrook Road, Rochester, NY. ICAC also identified a Facebook profile for a Jason LANE from Rochester, NY (hometown) who attended Greece Arcadia High School, Monroe Community College, and SUNY Brockport. According to ICAC, the profile images

for this Facebook account depict a white male, approximately 20 to 30 years-old, with dark brown hair.

13. On August 5, 2022, a subpoena was served on Spectrum (Charter) communications for subscriber information related to the SUBJECT IP address. Spectrum (Charter) responded to the subpoena with the following information:

Subscriber: Jason LANE
Address: 44 Clintwood Ct., Apt F, Rochester, NY 14620
User Name or Features: Jasonlane25@yahoo.com
Phone number: (585)802-7845

14. On August 6, 2022, NCMEC received two additional Cybertips from Yahoo: Cyber Tipline Report 130235635 and Cyber Tipline Report 130246038, both relating to the SUBJECT ACCOUNT. Cybertip 130235635 reported that between April 16, 2018 and July 19, 2022, the SUBJECT ACCOUNT uploaded 217 files of possible Child Pornography to the Yahoo platform. Cybertip 130246038 was generated by the Yahoo E-Crime Investigation Team (ECIT), with supplemental information relating to Cybertip 130235635.

15. Yahoo reported that they reviewed the 217 files uploaded by the SUBJECT ACCOUNT, which included both images and videos. Yahoo reported that the files depict nude female children, ranging in age from approximately pre-teen to teenage. Yahoo also identified several images and videos of an adult male with two young female children, prepubescent in age, one of whom is engaged in sexual acts with the adult male. Metadata associated with one of these images shows that the image was created on June 3, 2020, at 18:54:36, with an iPhone XR, at Latitude 43.210741666666671/Longitude -77.662741666666676, which resolves to 1605 Stone Road, Rochester, NY.

16. Yahoo also identified several images of what appears to be a partially nude, female, preschool-aged child in a crawling position in a bathroom. Metadata associated with

one of these images shows that the image was created on June 14, 2021, at 09:16:13, with an iPhone 8 Plus, at Latitude 43.12694444444447/Longitude -77.43960555555559. Those coordinates resolve to a location near Doodle Bugs! Children's Learning Academy (Doodle Bugs) in Penfield, NY.

17. Yahoo reviewed other images contained within in the SUBJECT ACCOUNT and discovered an image of a New York State driver's license for Jason Derek LANE, 190 Glenbrook Road, Rochester, NY 14616, Date of expiry: 02/27/2024, License number: 495 800 609. Yahoo also discovered an image of a resume for "Jason LANE." The resume listed previous work history as a police officer at the Greece Police Department (March 2019 – August 2021) and Security Guard at Swoop 1 Inc (October 2021 – Present) in Irondequoit, NY. The email address listed on the resume is the SUBJECT ACCOUNT, jasonlane25@yahoo.com.

18. Yahoo conducted further open-source queries and discovered a Facebook page for Jason LANE, in Rochester, NY (the same Facebook page as referenced in paragraph 12 above, located by NYSP ICAC). They noted that the profile images on this Facebook page depict the same male individual as in the photograph on the New York state driver's license for Jason LANE, discovered within the SUBJECT ACCOUNT.

19. On August 7, 2022, NCMEC forwarded Cybertip 130235635 and Cybertip 130246038 to the NYSP ICAC. The NYSP ICAC conducted further investigation and discovered that LANE's mother (WITNESS 1) resides at 1605 Stone Road. WITNESS 1 is the grandmother and primary guardian of two minor female children (VICTIMS 1 and 2), who are similar in age and physical description as the children reported in the "UNFAMILIAR" images reported by Yahoo.

20. On August 8, 2022, the NYSP confirmed with the Greece Police Department that Jason LANE had worked for the department but was terminated at the end of his probationary period. Greece PD provided the phone number on file for LANE as (585)802-7845, which is the phone number registered with the SUBJECT ACCOUNT.

21. On August 8, 2022, NYSP investigators confirmed with the Clintwood Apartments property manager that Jason LANE currently resides at 44 Clintwood Court, Apartment F.

22. On August 8, 2022, the NYSP Computer Crimes Unit (CCU), received the case from ICAC and viewed the files that were uploaded by the SUBJECT ACCOUNT. I have since reviewed the files and describe three of them as follows:

- a. **AA-9K9JAfeqxYtLN4wSMEMF2Nek_1.mp4**: This is a video file, approximately 1 minute and 11 seconds in length, that depicts an adult male, nude from the waist down lying on the floor with an erect penis. A prepubescent female, approximately 8 to 11-years-old, wearing no underwear, is standing over the adult male. The adult male lifts the child's dress and pulls her on top of him. The adult male then begins to anally penetrate the child with his erect penis.
- b. **AAbe8H5uW8QYXtg0QwITQEZOsrw_5**: This is an image file that depicts what appears to be an adult male, wearing a red Miami Heat t-shirt, holding a prepubescent female child, approximately 7 to 10-years-old, by the waist. The child is nude from the waist down with her buttocks and vagina exposed to the camera. This image contains metadata showing that it was taken on June 3, 2020 at Latitude 43.12386099999999860088/Longitude-77.39463400000000257251. These coordinates resolve to 1605 Stone Road, Rochester, NY.¹
- c. **ACMtwSNCQ8AkXpj-9QWN4Gwwq94_1**: This is an image file that appears to be a picture taken of a computer or other electronic device screen. The screen depicts a prepubescent female child, approximately 6 to 9-years-old, nude from the waist down, lying on a bed with her legs spread. A nude adult

¹ As explained below, the male in this image is now identified as Jason LANE, and the child has been identified as either VICTIM 1 or VICTIM 2 (the child's face is not visible in the picture). It is alleged that LANE produced this picture in violation of 18 U.S.C. § 2251(a).

male is standing in front of the child, penetrating the child's vagina with his erect penis. This image contains metadata showing that it was taken on April 16, 2020 with an iPhone XR, at Latitude 43.1425570000000069494/Longitude -77.38223499999999766885. These coordinates resolve to 190 Glenbrook, Road, Rochester, NY.

23. Based on my training and experience, I believe that these images constitute child pornography as defined by 18 U.S.C. § 2256(8).

24. During further review of the files provided by Yahoo, I observed several files with metadata indicating that they were taken on June 3, 2020, at WITNESS 1's home, 1605 Stone Road, Rochester, NY. Specifically, I observed a series of more than 30 image and video files that depict two prepubescent female children, now identified as VICTIM 1 (date of birth 2010) and VICTIM 2 (date of birth 2011) and an adult male.

25. The June 3, 2020 images depict the VICTIMS in a bedroom (now identified as a bedroom at 1605 Stone Road) with an adult male. In the images, the VICTIMS are depicted near or lying on a bed with turquoise bedding. Multiple images depict the adult male pulling one of the VICTIM's underwear up into the crack of her buttocks (the face of the VICTIM is not visible). Other images depict the same child lying over the lap of an adult male who is wearing a red t-shirt and gray shorts. In one of these images, a Miami Heat logo is clearly visible on the male's shirt. Multiple images depict the adult male pulling the child's underwear down, exposing her bare buttocks. Other images show the child with a red mark on her right buttocks, consistent with being slapped or hit.

26. Three of the images within the June 3, 2020 series, (titles: AAbe8H5uW8QYXtg0QwITQEZOsrw_5; AAbe8H5uW8QYXtg0QwITQEZOsrw_4; and AAbe8H5uW8QYXtg0QwITQEZOsrw_1), depict the adult male, wearing a red Miami Heat t-shirt, holding one of the VICTIMS by the waist, so that the child's vagina is lined up with

the camera. The child is nude from the waist down and her buttocks and bare vagina are exposed to the camera at different angles. Based on my training and experience, I believe that these files constitute child pornography as defined by, 18 U.S.C. § 2256(8). As explained in further detail below, it is alleged that LANE produced these images in violation of 18 U.S.C. § 2251(a).

27. During my review of the files, I also observed the following video file:

- a. **AFzR2goAAAJCWtQm8gSXYGzCY90_3**: This is a video file that depicts an adult male holding a prepubescent female child, approximately 6 to 8-years old, nude from the waist down, with her buttocks exposed to the camera. As the video progresses, the adult male adjusts the child, and the camera, exposing the child's vagina in a lascivious manner. At one point during the video, the adult male's face is partially visible. The adult male depicted in this video matches the New York State driver's license photo of LANE. This file does not contain geo-location metadata, but it does have a "Media created" date of April 15, 2018. The child's face is not visible, however, based on the date of creation and child's apparent age, it is believed that the child is either VICTIM 1 or VICTIM 2. Based on my training and experience this file constitutes child pornography as defined by, 18 U.S.C. § 2256(8).

28. Based on my training and experience, and the facts outlined within this affidavit, there is probable cause to believe that the adult male depicted in the June 3, 2020, images described in paragraph 26 above and the video described in paragraph 27 above is Jason LANE. There is further probable cause to believe that LANE produced the images in violation of 18 U.S.C. § 2251(a).

Search Warrants: 44 Clintwood Court and 1605 Stone Rd.

29. Based on the above, on August 9, 2022, the NYSP was granted two state search warrants authorizing the search of 44 Clintwood Court, Apt. F, Brighton, NY and 1605 Stone Road, Greece, NY.

30. On August 9, 2022, the NYSP executed the search warrant at 44 Clintwood Court, Apt. F, in Brighton. LANE was in the residence alone and was interviewed by NYSP investigators. LANE acknowledged owning the SUBJECT ACCOUNT but denied uploading any illicit files. LANE then made admissions regarding the illicit images of VICTIM 1 and VICTIM 2 stating, “I don't even know why I took those photos, I didn't even do anything with them.” When asked what he meant by that, LANE clarified that he did not masturbate to the images. LANE explained that VICTIMS 1 and 2 are relatives, and that they reside with WITNESS 1 at 1605 Stone Road.

31. While executing the search warrant, the NYSP located one Apple iPhone XR, the same model phone that was reported by Yahoo above, on the couch where LANE was sitting. The phone had a “Miami Heat” logo on the back of its case. When asked, LANE provided investigators with the passcode to unlock the phone. NYSP investigators also discovered and seized a red Miami Heat t-shirt in LANE’s bedroom closet, consistent with the shirt described in the photos reported by Yahoo.

32. The NYSP then executed the search warrant at 1605 Stone Road, in Greece. WITNESS 1 was present at the home and was interviewed. WITNESS 1 confirmed that she is LANE’s mother. WITNESS 1 was shown sanitized images of some of the files referenced above that contain metadata showing that they were taken at 1605 Stone Road. WITNESS 1 identified the children in these images as VICTIM 1 and VICTIM 2 and identified the room with the turquoise bedding as a bedroom in her home. WITNESS 1 explained that she is VICTIM 1 and VICTIM 2’s legal guardian, and that LANE would visit her residence occasionally. WITNESS 1 recognized clothing items that the children were wearing and the

turquoise bedding in the images. The clothing was not located, however, the bedding was located and seized by the NYSP.

33. On August 9, 2022, NYSP investigators interviewed WITNESS 2, the girlfriend of LANE, at Doodle Bugs, in Penfield, NY, concerning the image that was taken at Doodle Bugs on June 14, 2021. WITNESS 2, who was employed at Doodle Bugs, told investigators that she took the picture and sent it to LANE because she thought it was funny. The child was on the bathroom floor wearing shoes on her hands, with no underwear or pants on. WITNESS 2 stated that she also sent the picture to the child's mother.²

34. When was asked if she had any knowledge of LANE viewing child pornography, WITNESS 2 reported that approximately one year ago, she was using LANE's desktop computer when he lived at 190 Glenbrook Road in Greece, and that she came across child pornography. WITNESS 2 reported that when she confronted LANE about it, he told her that it was a mistake, and that he would not look at it anymore. WITNESS 2 reported that when LANE moved in with her at 44 Clintwood Court, Apt. F, he did not bring the desktop computer with him. She does not recall if she sent LANE the picture of the child at Doodle Bugs before or after she observed the child pornography on LANE's computer.

Analysis of LANE's iPhone XR

35. Forensic analysis of LANE's iPhone XR revealed one file of child pornography, and two files of child erotica, both of which were reported in the Cybertips described above. They are described as follows:

- a. **AA-9K9JAfeqxYtLN4wSMEMF2Nek_1.mp4:** This is the same child pornography video described in paragraph 22(a) above. The video is

² The child's mother was interviewed and confirmed that she received the image from WITNESS 2 and did not suspect that the photo involved any form of child exploitation.

approximately 1 minute and 11 seconds in length and depicts an adult male engaging in anal intercourse with an 8 to 11-year-old prepubescent female.

- b. **IMG_5224.JPG**: This is a child erotica image that depicts an approximately 12 to 15-year-old female, sitting with her legs spread wearing only a pair of red and white underwear. The child has two fingers inside the front of her underwear.
- c. **IMG_5223.JPG**: This is a child erotica image that depicts an approximately 12 to 15-year-old female, standing in a room wearing just a pair of red underwear. She is posed for the camera. There is a large stuffed animal visible in the room behind her.

Search Warrant for the SUBJECT ACCOUNT

36. The SUBJECT ACCOUNT was preserved by Yahoo at the request of the NYSP at the outset of the investigation. On October 21, 2022, Yahoo produced the contents of the SUBJECT ACCOUNT to HSI in response to a federal search warrant.

37. During my preliminary review of the SUBJECT ACCOUNT, I observed several files that constitute child pornography as defined by 18 U.S.C. § 2256(8). This includes the three files described in paragraph 26 above, with metadata showing that they were produced on June 3, 2020 at 1605 Stone Road. I also observed the following images of child pornography within the SUBJECT ACCOUNT, among other information:

- a. **IMG_5663**: This is an image file that depicts a prepubescent female child, approximately 6-9-years-old, on her hands and knees on a bed. The child is nude from the waist down and an adult male is anally penetrating the child with his erect penis. A second child is seen lying on the bed as well.
- b. **IMG_5662**: This is an image file that depicts a female child, approximately 6-9-years-old, on her hands and knees on a bed. An adult male is pulling the child's buttocks apart exposing her anus and vagina for the camera in a lascivious manner.

38. The SUBJECT ACCOUNT also contains images that LANE appears to have surreptitiously taken inside Spencerport High School, where he worked as a security guard in connection with his employment with Swoop 1 Security. There are several images of a female

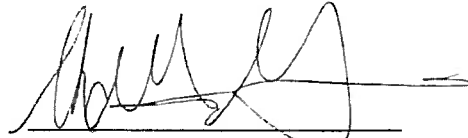
student (from behind), wearing short white shorts, walking down the hallway. The images primarily depict the student from the shoulders down, and some images zoom in closer to focus on the student's buttocks.

39. Other images from Spencerport High School depict two female students lying in the hallway on their stomachs. These images are also taken from behind in an apparently surreptitious manner. The Spencerport colors, blue and yellow, are visible on the hallway walls, and "RANGER PRIDE" is visible in some of the images as well.

40. The SUBJECT ACCCOUNT operated via the internet, which is a means and facility of interstate and foreign commerce. The SUBJECT PHONE was manufactured outside of New York State and outside of the United States, and has therefore travelled in an affecting interstate and foreign commerce.

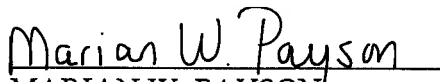
Conclusion

41. Based on the foregoing, I submit that there is probable cause to believe that Jason LANE, while in the Western District of New York, did knowingly produce, receive, possess and access child pornography, that had been shipped and transported using a means and facility of interstate and foreign commerce; that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, in violation of 18 U.S.C. §§ 2251(a); 2252A(a)(2)(A) and 2252A(a)(5)(B).

A handwritten signature in black ink, appearing to read 'Kathryn Gamble', written over a horizontal line.

KATHRYN GAMBLE
Special Agent
Homeland Security Investigations

Affidavit submitted electronically by email
in .pdf format. Oath administered, and contents
and signature, attested to me as true and accurate
telephonically pursuant to Fed. R. Crim. P. 4.1
and 4(d) on this 7th day of November, 2022.

A handwritten signature in black ink, appearing to read 'Marian W. Payson', written over a horizontal line.
MARIAN W. PAYSON
United States Magistrate Judge